

Serial No.: 10/561,696  
Docket No.: 09792909-6568  
Amendment dated August 6, 2009  
Reply to the Office Action of April 6, 2009

## **REMARKS**

### **A. Introduction**

Claims 1-30 were pending and under consideration in the application.

In the Office Action of April 6, 2009 (the "Office Action"), claims 1-30 were rejected.

Without conceding to the merits of the rejection, claims have been amended to clarify an aspect of the present general inventive concept. No new matter has been introduced.

Reconsideration and allowance of all the pending claims are requested in view of the following remarks.

### **B. Rejections under 35 USC §112**

Claim 13 was rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention.

Without conceding to the merits of the rejection, claim 13 has been cancelled.

Accordingly, reconsideration and withdrawal of the rejections are requested.

### **C. Rejections under 35 USC §102**

Claims 1, 5, 6, 14, 15, and 26 are rejected as anticipated by US Patent No. 5,896,143 to Matsui et al. The rejections are traversed for at least the following reasons.

Independent claims 1 and 6 require a cap member having a cleaning member that (1) contacts a liquid discharge surface as the cleaning member moves from a closed position to an open position and (2) does not contact the liquid discharge surface as the cleaning member returns to the closed position. As provided in the Specification, by not contacting the cleaning member to the liquid discharge surface as the cleaning member returns to the closed position, the life of the cleaning member is increased as the number of times the cleaning roller is used is reduced. See Spec. paras. 0085 and 0091.

Matsui fails to disclose a cleaning member that coordinates with a platen plate. Instead, Matsui is limited to a suction cap 41 that simply moves to and from a head 1x and does not

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move from an open position while contacting a nozzle and move to a closed position while not contacting a nozzle, as required by independent claims 1 and 6. Consequently, Matsui fails to anticipate all of the elements recited by independent claims 1 and 6, and Matsui is unable to provide the aforementioned benefits of the present general inventive concept.

Accordingly, Matsui fails to anticipate every element of independent claims 1 and 6, and these claims are patentable over Matsui. Further, claims depending from independent claim 1 or 6 include all of the limitations of these independent claims and are also patentable over the art of record for at least the reasons discussed above with respect to independent claims 1 and 6.

**D. Rejections under 35 USC §103**

Claims 6, 9, 11, 12, 16, 17, and 19-22 are rejected by U.S. Patent No. 6,637,856 to Nishi in view of Matsui. The rejections are traversed for at least the following reasons.

Independent claims 6, 16, 17, and 19-22 require a cap member having a cleaning member that (1) contacts a liquid discharge surface as the cleaning member moves from a closed position to an open position and (2) does not contact the liquid discharge surface as the cleaning member returns to the closed position. As provided in the Specification, by not contacting the cleaning member to the liquid discharge surface as the cleaning member returns to the closed position, the life of the cleaning member is increased as the number of times the cleaning roller is used is reduced. See Spec. paras. 0085 and 0091.

Nishi does not disclose a cleaning member that coordinates with a platen plate. Instead, Nishi has a head cap 5 with cleaning roller 7 that moves back and forth across discharge surfaces 6 and is silent regarding a platen plate, contacting a nozzle when opening, and not contacting a nozzle when closing, as required by independent claims 6, 16, 17, and 19-22. Consequently, Nishi fails to disclose or suggest all of the elements recited by independent claims 6, 16, 17, and 19-22, and Nishi is unable to provide the aforementioned benefits of the present general inventive concept.

As pointed out above, Matsui fails to disclose a cleaning member that coordinates with a platen plate, fails to disclose or suggest all of the elements recited by independent claims 6, 16,

